IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL No. 138 OF 1999

The Regional Director,
ESI Corporation. Appellant

Vs.

M/s. Deccan Minerals ... Respondents

Mr. H. V. Mehta, advocate for appellant.

Mr. S. C. Naidu i/b C.R. Naidu & Co. for respondent.

CORAM : Dr. S. RADHAKRISHNAN, J.

DATE : JUNE 23, 2006.

P.C.

. Heard the learned counsel for the appellant and the respondent. Mr. Mehta, the learned counsel for the appellant brought to my notice paragraph 16 of the impugned order dated 20th November, 1998 and also the decision of Division Bence of this High Court in case of **Abu Marble Mining Pvt. Ltd. Vs. Regional Directors, ESI Corpn., Mumbai** wherein it is clearly held that, **fixing of marble outside the factory of the appellant by the employees engaged by the Contractor had no**

connection with factory and such employees engaged by contractor would not fall within the extended definition of S. 2(g) of the Act.

2. In view of the aforesaid clear judgment of the Division Bench of this High Court, the learned counsel for the appellant contended that the presen appeal does not survive. Hence, the appeal stands dismissed.

However, no orders as to costs.

[Dr. S. RADHAKRISHNAN, J.]